

ADD:

§ 120-2. Surface and Storm Water Management on Private and Public Property

In an attempt to reduce the discharge of pollutants and sediment in surface and storm water runoff and in an attempt to control erosion of the banks and waterways within the Town, the Town Council has adopted the following ordinance:

- A. Roof Drainage System (RDS): Any equipment and/or facilities, including, but not limited to, gutters, downspouts, and piping, that are used for the purpose of transporting and disposing of roof rain water.
1. Roof Drainage Systems on all new construction and/or on substantial improvements to existing properties shall not extend into the front or rear setbacks and shall not be located closer than 5 feet from the side property line.
 2. Roof Drainage Systems on all new construction and/or on substantial improvements to existing properties shall not extend into canals, lagoons or bay waters.
 3. Roof Drainage Systems existing at the time of enactment of this ordinance shall be considered “grandfathered” and shall be permitted to remain. Said existing Roof Drainage Systems, including sections or parts thereof that drain into canals, lagoons or bay waters, may be repaired and maintained. However, Roof Drainage Systems grandfathered hereby shall not be enlarged or remodeled in any manner to include new or additional piping whereby additional drainage into canals, lagoons or bay waters will occur.
- B. All lots, both vacant and those improved with structures, shall have grass, vegetation or stone that will prevent any soil erosion onto or into streets, canals, lagoons, bays waters, other waterways and/or adjacent properties. The only exception to the foregoing requirement is if active construction activities are underway on the lot in question, in which case the foregoing requirements must be met upon the completion of the construction activities. A “Certificate of Compliance” shall not be issued for any new construction and/or for a substantial improvement to an existing structure unless the property owner has complied with this Chapter.
- C. Siltation fencing must be provided during any construction activity that creates a possibility for soil erosion. Such fencing must comply with regulations required by the Sussex Conservation District.
- D. Town rights-of-way must remain clear to allow for and in order to maintain proper drainage. Please see § 61-11 for additional information, restrictions and requirements in this regard.
- E. The use of pervious surface materials outside of the buildable lot area is required to aid in reducing surface and storm water runoff and in order to maintain proper drainage. Please see § 160-6.A.(11) and § 61-11 for additional information, restrictions and requirements in this regard.
- F. Drainage of any swimming or wading pool water not directly into a sanitary sewer shall only occur after the swimming pool water sits for a minimum of 7 days without the addition of any more chemicals.
- G. Outdoor showers shall not be connected to any piping, equipment, facility or system that discharges into canals, lagoons or bay waters, unless the outdoor shower is in existence at the time of enactment of this ordinance, in which case said existing outdoor shower shall be deemed “grandfathered” as further described in § 120-2.A.3. hereof.

EXISTING:

§ 120-2. Written notice of violation

In the event any lot owner shall fail to comply with § 120-1A or B hereof, he shall be given written notice, by certified mail, return receipt requested, of the violation, which notice shall specify the action necessary to correct the violation. The owner shall be required to take the corrective action of a violation of § 120-1A within 30 days of such notice. The owner shall be required to take the corrective action of a violation of § 120-1B within 10 days of such notice.

PROPOSED:

§ 120-3. Written notice of violation

In the event any lot owner shall fail to comply with § 120-1.A., § 120-1.B., § 120-2.A or § 120-2.B., hereof, he shall be given written notice, by certified mail, return receipt requested, of the violation, which notice shall specify the action necessary to correct the violation. The owner shall be required to take the corrective action to remedy a violation of § 120-1.A., § 120-2.A. or § 120-2.B within 30 days of such notice. The owner shall be required to take the corrective action to remedy a violation of § 120-1.B. within 10 days of such notice.

EXISTING:

§ 120-3. Failure to comply with notice.

In the event the owner fails to comply with such notice within the time set forth, he shall be deemed to be guilty of maintaining a nuisance and/or unsanitary condition. Therefore, the Town of Fenwick Island shall have:

A. As to a violation of § 120-1A, the authority (be empowered) to both take such steps as it deems necessary to cure said violation at the expense of the owner and impose a fine of \$500 for each thirty-day period in which the violation is not cured.

PROPOSED:

§ 120-4. Failure to comply with notice.

In the event the owner fails to comply with the written notice of violation issued pursuant to § 120-3. within the time period set forth therein, he shall be deemed to be guilty of maintaining a nuisance and/or an unsanitary condition. In such an event, the Town of Fenwick Island shall have:

Add:

C. As to a violation of **§ 120-2.A. or § 120-2.B.**, the authority, but not the obligation, to take such steps as it deems necessary to cure the violation, including the option of hiring a professional and licensed contractor to perform the curative work necessary, which shall be done at the expense of the owner. The Town shall also have the authority to impose a monetary fine in the amount of \$500 for each thirty-day period in which the violation is not cured.

EXISTING:

§ 120-4. Repeat offenses; service fee.

In any calendar year in which an owner has been notified of his violation of § 120-1B pursuant to § 120-2 and the owner subsequently repeats the violation, the town will clear the property pursuant to § 120-3 without an additional written notice to the owner, and a separate service fee of \$250 will be charged for each such clearing. The owner will be advised of this procedure in the written notice of the first violation.

PROPOSED:

§ 120-5. Repeat offenses; service fee.

In the event an owner has received a § 120-3. written notice from the Town of a violation of § 120-1.B hereof, and said owner subsequently repeats the same violation during the same calendar year, the Town may, but shall not be obligated to, clear the property pursuant **to the authority set forth in § 120-4.B.** without additional notice to the owner. As stated in § 120-4.B., a separate service fee of **\$500** will be charged for each such clearing. The owner will be advised of this procedure in the written notice of the first violation.

EXISTING:

§ 120-5. Unpaid fee to become lien against lot.

The expense of the cure and the fine(s) under § 120-3 and the service fee of the \$250 under § 120-4 shall each constitute a lien against the lot in question which lien shall be enforceable and collectible by the means provided for the collection of delinquent taxes under the law of the State of Delaware and the Town of Fenwick Island.

PROPOSED:

§ 120-6. Unpaid fee to become lien against lot.

The expenses incurred by the Town to cure a violation of this Chapter and any monetary fine imposed pursuant to **§ 120-4** and/or any service fee imposed pursuant to **§ 120-5** shall each constitute a lien against the lot in question. Said lien shall be enforceable and the debt shall be collectible in the same manner as the collection of delinquent taxes under the laws of the State of Delaware and the Town of Fenwick Island.

Posted: April 30, 2012